

IN THE MATTER OF * BEFORE THE MARYLAND
DENNIS HARRISON, PH.D. * STATE BOARD OF
Respondent * EXAMINERS OF PSYCHOLOGISTS
(License No. 791) *

* * * * *

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

I. SYNOPSIS OF CASE

This case came before the Maryland Board of Examiners of Psychologists (hereinafter "Board") as a result of charges filed against the Respondent, Dennis Harrison, Ph.D. dated November 13, 1986, September 13, 1989 and November 24, 1989 for violating various provisions of the Maryland Psychologists Act (hereinafter "Act"), Sections 16-101 et seq. of the Health Occupations Article of the Annotated Code of Maryland. Specifically, the charges set forth grounds for discipline under Section 16-312(7) by violating the Code of Ethics adopted by the Board under Section 16-311; under Section 16-312(13) by false or misleading advertising or promotion; and under Section 16-312(17), by committing acts of unprofessional conduct in the practice of psychology. In both the original and additional charges, the Board alleged a number of specific acts which give rise to this Final Order. This Order finds grounds for discipline under Section 16-312(7) and (17).

Section 16-313 of the Act makes provision for a hearing utilizing the Administrative Procedure Act, codified at Md. State Gov't Code Ann. §10-201 et seq. Pursuant to the APA, the Board delegated its hearing function to the Office of Administrative Hearings. After the hearing, at which Dr. Harrison did not appear and was not represented by counsel, the ALJ forwarded to the Board the proposed decision, in which he found numerous instances of ethical violations and unprofessional conduct. Exceptions were argued before the Board on July 31, 1990, but the only issues raised by the Respondent through counsel were procedural in nature; he moved to reopen the hearing. The Board voted to deny the Motion to Reopen, to affirm the merits of the ALJ's proposed decision, and to request its counsel to draft a revised decision. The Board also voted to impose the sanction of revocation. In executive session at its September 7, 1990 meeting, the Board accepted this Final Order as well as the appended Memorandum Decision on Motion to Reopen Hearing and Exceptions, which is attached to and incorporated by reference in this Final Order.

II. EXHIBIT AND WITNESS LIST

Included in the file as State's Exhibits are:

State Exh. No. 1 - Letters of Board, dated September 15, 1989 and November 24, 1989, attaching letter of November 13, 1986 (Charges).

State Exh. No. 2 - Temporary Order, Probate and Family Court, Massachusetts.

State Exh. No. 3 - Modification of Temporary Order.

State Exh. No. 4 - Mittimus for Contempt.

State Exh. No. 5 - Newspaper Article, Boston Globe, August 7, 1987.

State Exh. No. 6 - Order.

State Exh. No. 7 - Affidavit.

State Exh. No. 8 - Newspaper Article (Boston area).

State Exh. No. 9 - Findings of Fact, Probate and Family Court, Massachusetts.

State Exh. No. 10 - Judgment.

State Exh. No. 11 - Newspaper Article, Boston Globe August 28, 1987.

State Exh. No. 12 - Deposition of Respondent in Florida.

State Exh. No. 13 - Letter of Beth Herr, dated June 15, 1987.

State Exh. No. 14 - Transcript of Videotape of "A Current Affair," aired on television on August 21, 1987.

State Exh. No. 15 - Videotape of State Exhibit 14.

State Exh. No. 16 - Appointment of Counsel.

State Exh. No. 17 - Affidavit of George Jordan, Jr.

State Exh. No. 18 - Deposition of Respondent, Barkanic v. Montgomery General Hospital, Health Claims Arbitration Office, HCA No. 81-353.

State Exh. No. 19 - Transcript, Maryland v. Ash, Carroll County, Maryland (Criminal Nos. 7205 and 7262) et al., U.S. District Ct., E.D. Va.

State Exh. No. 20 - Transcript, Morgan v. Foretich.

State Exh. No. 21 - Deposition, Smith v. Howard Johnson Company, Cir.Ct. Baltimore City, July 14, 1962.

- State Exh. No. 22 - Note, Respondent to Investigator Ryan with attached CVs.
- State Exh. No. 23 - Affidavit of the Respondent, attaching CV.
- State Exh. No. 24 - Respondent's Academic Transcript, University of Maryland.
- State Exh. No. 25 - Application for Certification, Board of Examiners of Psychologists.
- State Exh. No. 26 - Note, Maryland Psychological Association.
- State Exh. No. 27 - Letter from Board to Respondent, dated June 13, 1974.
- State Exh. No. 28 - Probation Order, Cir.Ct. Baltimore City.
- State Exh. No. 29 - Division of Parole and Probation Forms.
- State Exh. No. 30 - Authorization for Disclosure of Information.
- State Exh. No. 31 - Affidavit of Frances Goldfield.
- State Exh. No. 32 - Check, Mr. C to Respondent.
- State Exh. No. 33 - Transcript of Tape, Mr. C and Respondent.
- State Exh. No. 34 - T.V. Tape.
- State Exh. No. 35 - Letter, Ronald M. Naditch, Esquire to Respondent, dated October 12, 1988.
- State Exh. No. 36 - Letter, Naditch to Respondent, dated October 14, 1988.
- State Exh. No. 37 - Letter, Naditch to Respondent, dated October 27, 1988.
- State Exh. No. 38 - Letter, Naditch to Respondent, dated December 19, 1988.
- State Exh. No. 39 - Order, Cir.Ct. Queen Anne's County.

State Exh. No. 40 - Letter, Naditch to Respondent, dated January 16, 1989.

State Exh. No. 41 - Letter, Naditch to Respondent, dated January 21, 1989.

State Exh. No. 42 - Letter, Naditch to Respondent, dated February 6, 1989.

State Exh. No. 43 - Letter, Naditch to Respondent, dated February 13, 1989.

State Exh. No. 44 - Letter, Naditch to Respondent, dated March 13, 1989.

State Exh. No. 45 - Pretrial Order dated February 24, 1989.

State Exh. No. 46 - Order, March 22, 1989.

State Exh. No. 47 - Notice of Deposition, dated November 8, 1988.

State Exh. No. 48 - Notice of Deposition, dated November 14, 1988.

State Exh. No. 49 - Notice of Deposition, dated July 25, 1989.

State Exh. No. 50 - Letter, Chesapeake Institute (Cochrin) to Respondent, dated April 28, 1989.

State Exh. No. 51 - Letter, Respondent to Cochrin, dated May 9, 1989.

State Exh. No. 52 - Letter, Cochrin to Respondent, dated May 31, 1989.

State Exh. No. 53 - Letter, Cochrin to Respondent with Note, dated May 31, 1989.

State Exh. No. 54 - Letter, Glass to Judge Sause, dated July 6, 1989.

State Exh. No. 55 - Letter, Glass to Respondent, dated August 2, 1989.

State Exh. No. 56 - Check, Mr. D's mother to Respondent, dated May 5, 1987.

State Exh. No. 57 - Letter, Mr. D to Respondent, dated June 7, 1987.

State Exh. No. 58 - Letter, Mr. D to Respondent, dated June 12, 1988.

State Exh. No. 59 - C.V., T. Richard Saunders, Ph.D.

State Exh. No. 60 - Ethical Principals of Psychologists, 1981 Revision.

State Exh. No. 61 - Billing Records.

Administrative Law Judge Exh. No. 1 - Fax, May 1, 1990, 7:34 a.m., Harrison to ALJ.

Administrative Law Judge Exh. No. 2 - Fax, May 1, 1990, 12:48 a.m., Harrison to ALJ.

Respondent's Exceptions Exhibit E-1 - Discharge Summary and Medical Record, Kernan's Hospital.

Board's Exceptions Exhibit E-1 - Certified letter to Respondent at a Miami, Florida address, postmarked June 28, 1990, returned unclaimed.

Board's Exceptions Exhibit E-2 - Certified letter to Respondent at a Columbia, Maryland address, postmarked June 28, 1990, returned unclaimed.

Board's Exceptions Exhibit E-3 - Regular letter to Respondent at a Miami, Florida address, postmarked June 29, 1990, returned: "Does not live here."

The State called the following witnesses¹ in order:

Mr. A
Michael R. Gatty
John Dunnigan
Mr. B
Mr. C
Cathleen Glass
Mr. D
Ms. E
T. Richard Saunders, Ph.D.

¹ Names of patients and their families are deleted and substituted with symbols to protect their confidentiality, pursuant to COMAR 10.36.03.07A.

III. PROCEDURAL HISTORY

1. The Board first charged Dr. Harrison under the Maryland Psychologists Act by a letter of November 13, 1986. The gist of the charges was that Respondent had misrepresented his educational and professional qualifications in curriculum vitae which he circulated in connection with depositions and court testimony, and likewise misrepresented himself in the testimony.

2. Between the first charge letter in November, 1986 and the summer of 1989, several additional complaints were being investigated by the Board.

3. Jack C. Tranter, Esquire entered his appearance on behalf of the Respondent on January 23, 1987. He requested and was given an extensive file by the administrative prosecutor, Judy K. Sykes, Assistant Attorney General. Mr. Tranter withdrew his appearance on December 9, 1988, but placed an attorney's lien on the file.

4. Leonard C. Redmond, III was Dr. Harrison's next attorney. As the attorney's lien precluded transfer of the file from Mr. Tranter, he too requested and was supplied a large file. Ms. Sykes also sent him a draft copy of the additional charges eventually issued September 15, 1989 pertaining to Case A.

5. On or about August 23, 1989, the Board attempted to issue additional charges against Dr. Harrison concerning Case A. Because of difficulties in service, including the fact that Mr. Redmond would not accept service for his client, the charges were

not served until a month later, in September of 1989. (State's Exhibit 1). That charge letter set a prehearing for October and a hearing for November, 1989. (Exceptions Transcript ("Ex. Tr." 45).

6. On October 3, 1989, Mr. Redmond withdrew as counsel to Respondent, and Michael Schatzow, Esquire entered his appearance. Mr. Schatzow asked for more time to prepare his client's case. At his request the prehearing was set for December 15, 1989. (Ex. Tr. 46).

7. Additional charges were issued by cover letter dated November 24, 1989. These concerned Cases B, C, D and E. Again, the Board encountered difficulties in serving Respondent, which was attempted by regular mail, certified mail, return receipt requested, and by hand to his last known residence and business addresses. Certified mail was refused and returned undeliverable, and personal service was unsuccessful.

8. Mr. Schatzow attended the December 15, 1989 prehearing. He requested further discovery, which was granted by Ms. Sykes. (See letter from Sykes to Schatzow of December 22, 1989). He also requested a further postponement of the hearing, then set for January and February (see letter from Matz to Schatzow, copied to Sykes, dated December 12, 1989), due to the seriousness, complexity and age of the matter. The pattern of this case was beginning to trouble the Board. The following colloquy took place between Board counsel, Harry J. Matz,

Assistant Attorney General, and Michael Schatzow, Esquire at the prehearing:

Mr. Matz: I'll tell you what my problem is. Given the history of this particular individual and this case, I'm very impressed that we have an attorney who is actually talking trial dates at all. What happens to us? It would be very convenient sometime around, before, when you want to have the hearing in March or April, I take it, for Dr. Harrison to dismiss you as his counsel and find another lawyer and buy some more time. Now, what guarantee do we have and then that lawyer asks for an extension until May or June because after all, it's a very complicated case? What protection do we have?

* * *

Mr. Schatzow: It seems to me Dr. Harrison would be very hard pressed to get a continuance particularly if we now issue a set of dates and deadlines and you make clear in the document in which you issue them, that there are not going to be any more continuances as a result of new counsel or anything else and he's charged with that just like they do in a criminal court when a client comes in and changes his lawyer right before trial or the day they are appointed a lawyer for a client they tell you these are the dates. If you want a new lawyer, you better do it far enough in advance of the trial date so you don't ask for a continuance.

In those situations I don't think you -- you have to grant a continuance but here we have new charges and I think that you need to. I think what you can do is you can set up a date for the trial. We can set up a date by which we have to make a decision of whether it's a hearing officer or a judge or the board and you can say these are the dates, Dr. Harrison is on notice. If he changes, obviously, if he has a stroke and goes into the hospital, we have to do something differently, but if he just decides to hire a new attorney ---

9. After further colloquy on and off the record, Mr. Matz delivered the decision for the prehearing officer, Board member Barbara Knox, Ph.D.

Mr. Matz: We have come up with an alternative trial date, trial week of March 5th, the week of March 5th in its entirety.

* * *

It will be understood that the March 5th date is set in stone unless all parties, including the board, agree....

This date shall be irrespective of whether Dr. Harrison chooses to retain other counsel between now and that time. Dr. Harrison's counsel, present counsel, is urged to so advise his client.

10. By agreement of the prosecution, defense counsel and the Board, the case was delegated by the Board to the Office of Administrative Hearings pursuant to Md. State Gov't Code Ann. §10-207. From the Board's perspective, an important consideration in referring the case was to avoid any appearance of Board bias, which has been alleged at all stages by Dr. Harrison and through counsel.

11. A hearing was set for March 2, 1990. (See letter from Fowler, ALJ to Schatzow and Sykes, dated January 30, 1990). By agreement of both parties, the date was moved to March 26, 1990 (See letter from Fowler, ALJ to counsel dated February 14, 1990.) All parties prepared to go forward on that date.

12. On the Friday before that Monday hearing, at 4:00 p.m., Mr. Schatzow telephoned the Administrative Prosecutor to state

that Dr. Harrison would be unable to attend the hearing. He stated that his client was on heavy medication due to a neck injury and would not be available to assist in representation at the hearing. He requested another postponement.

13. At the March 26, hearing, the administrative prosecutor expressed great doubts as to the purported injury, and even the hearing officer expressed some disbelief, but he agreed to delay the hearing until May 1, 1990. Ms. Sykes, the Administrative Prosecutor, requested that Dr. Harrison and/or his physician be made available for questioning as to Dr. Harrison's condition. No such evidence was presented. There is very little support in the record for Dr. Harrison's excuse on March 26. An April 3, 1990 letter from William B. Russell, M.D. indicates a tentative diagnosis of a pinched nerve, based apparently on the patient's report of subjective pain at a March 23 exam. A controlled substance, Percocet, was prescribed. Although Dr. Russell recommended further diagnostic tests, including x-rays and C-T Scan, these were apparently not performed until after the May 1 hearing when Dr. Harrison again complained of neck pain.

14. On April 16, 1990, Mr. Schatzow sent Judge Fowler a letter withdrawing his appearance. Dr. Harrison communicated to the ALJ (letter of April 22, 1990) to request that Mr. Schatzow be forced to represent him, and - importantly - that even if he did not allow Mr. Schatzow to withdraw from the case, he should agree to an additional delay to allow still more discovery. If

Schatzow was allowed to withdraw, the letter continues, then a continuance was requested to obtain new counsel and permit him to prepare. Either way, a postponement was requested.²

15. By an Order dated April 24, 1990, Judge Fowler denied Respondent the requested relief; ordered that the hearing would go forward on May 1; ordered that Mr. Schatzow would not be compelled to serve as counsel; denied further discovery; permitted a full motions practice at the hearing; and suggested that Dr. Harrison contact an attorney immediately upon receipt of that Order if he had not already done so and if such representation was desired.

16. On the day before the hearing was to commence, i.e. on April 30, 1990, Dr. Harrison sent to Judge Fowler a letter via facsimile from California, which conveniently omitted a facsimile number or other means for the ALJ to contact him. In addition to some rather outrageous allegations, the letter expressed disappointment in Judge Fowler's rulings, as set forth in the previous paragraph. He went on to complain that Mr. Schatzow had not adequately represented him anyway. (The Board's experience had been to the contrary.) The letter states that Dr. Harrison would

² Dr. Harrison's letter of April 22, 1990 says that "[b]ecause of attorney/client confidentiality I am not going to discuss with you the reasons for this request to withdraw." As the privilege is the client's and not the lawyer's, Respondent was of course free to enlighten the record on this point but chose not to.

be boarding an overnight flight to attend his licensure hearing. He states as follows: "I will not be representing myself at tomorrow's hearing.... I formerly [sic] move that you postpone this hearing so that I can retain new counsel" (emphasis added). Even if he had not become as acutely ill as he alleges, he apparently did not plan to participate in the hearing.

17. At 8:30 a.m. on May 1, 1990, Dr. Harrison's wife, Susan Harrison, faxed a short handwritten letter stating that she had just picked up her husband at the airport and that "something has happened to [Dr. Harrison's] neck again, sitting on the airplane and he is experiencing numbness in his arm. Right now I am in the process of seeking emergency medical care..." She sent another fax note later in the day at 1:50 p.m., stating that her husband was to be hospitalized that afternoon. She offered no way for Judge Fowler to contact either her or her husband, but the ALJ made substantial efforts to do so. (Tr. 8-9). At no time on May 1 or 2 did Dr. Harrison attempt to contact the ALJ. On May 3, he wrote a note to the ALJ, with no way to contact him, claiming that his conduct had made a mockery of the hearing, and requesting that any evidence taken to that point be thrown out and that the ALJ recuse himself.

18. In light of the history of this case, some of which is related above, Judge Fowler decided to go forward with the May 1 hearing ex parte, in accordance with the Maryland Psychologists Act, Md. Health Occupations Code Ann. §16-313(f), and COMAR

10.36.03.05(6). On the morning of May 1, 1990, before hearing the merits, Judge Fowler noted that the envelope containing his April 24 Order and mailed to Respondent had been returned by the post office, marked "refused" twice. As for the request in Respondent's April 30 letter that any new attorney be allowed sufficient time to prepare, the ALJ noted that no attorney was present to even press that contention. No medical records or other evidence to substantiate the alleged injury on May 1 were submitted to the ALJ or the Board until three months later, at the July 31 exceptions hearing, despite Respondent's promise to do so earlier. (See May 3 letter, Harrison to Fowler, ALJ).

19. On May 2, at the end of the hearing, Judge Fowler, in an effort to provide an opportunity for some kind of evidence to be presented on behalf of Dr. Harrison, issued an order, directing:

That the Respondent or his representative make either telephonic or physical contact with the staff of the Office of Administrative Hearings sometime prior to the close of business on May 11, 1990 to arrange for the expeditious presentation of any matters which the Respondent may wish for the undersigned Administrative Law Judge to consider prior to making a decision in this matter.

The certified mail copy of this Order, which was mailed on May 3, was returned undeliverable, but it appears that the plain letter copy was delivered to Dr. Harrison's address on Twin Knolls Road, in Columbia, Maryland. The Order was also faxed to Dr. Harrison at a known facsimile number.

20. Even after the May 11 date had come and gone, Judge Fowler sent a letter dated May 15, 1990 to Dr. Harrison stating that in light of the fact that he had purportedly retained a new attorney, he would "nevertheless consider any matters you submit prior to submission of the recommended opinion to the Board." A certified copy of this letter was also returned undeliverable. As matters turned out, the purported attorney, Gary Courtois, Esquire, had not in fact been retained by Dr. Harrison and has never entered an appearance in this case.

21. On May 29, without prior notice or arrangement, Dr. Harrison appeared at the Office of Administrative Hearings to review his file. The ALJ was not present, and it appears that office staff did not afford Respondent immediate access to the entire file.

22. Despite Judge Fowler's admonition in his Order of April 24, 1990 that the Respondent should obtain counsel as soon as possible, the record shows that he did not do so until sometime in mid-June of 1990, well after the May hearing had passed and also after the post-hearing submission deadline set by Judge Fowler. (Ex. Tr. 66).

23. By letter of June 19, 1990 Charles Fowler, ALJ forwarded his Proposed Decision to the Board. After reviewing the evidence and making findings substantially similar to those in this Order, Judge Fowler recommended the sanction of license revocation.

24. After he was retained as counsel for Respondent, Jeffrey W. Thompson, Esquire sought resort to the courts to stop the Board from moving forward in the case. On Tuesday, July 17, 1990, he filed a Complaint for Temporary Restraining Order and Preliminary Injunction in the U.S. District Court for Maryland, naming as defendants the State, the Attorney General, the Assistant Attorney General who serves as Board counsel and the Board.³

25. The Court, per Judge Niemeyer, denied relief and dismissed the Complaint on federal abstention grounds. The Court verbally urged counsel not to pursue the case further. On or about August 1, 1990, shortly after filing his state court action, discussed below, counsel voluntarily dismissed the federal case.

26. Although Mr. Thompson advised counsel to the Board and Ms. Sykes in a July 30, 1990 conference call that he expected Dr. Harrison to be at the exceptions hearing the next day, Dr. Harrison did not attend. (Counsel represented that he could be made available within 30 to 60 minutes if the Board wished his

³ Although he was requesting an expedited hearing, which was in fact granted and held on the morning of Friday, July 20, counsel did not notify any opposing parties or counsel in advance, and saw fit to wait until about 4:00 p.m. on Thursday, July 19 to serve the Complaint. This conduct is ironic at least from a party claiming lack of procedural due process by the Board and the ALJ.

presence.) Indeed, Respondent has never appeared at any proceedings in this case.

27. At the July 31, 1990 exceptions hearing, Mr. Thompson introduced into the exceptions hearing record - but admission was not allowed into the hearing record, as it was untimely - medical records showing that Dr. Harrison was indeed admitted to Kernan's Hospital at approximately 3:00 p.m. on the afternoon of May 1. Upon a layman's reading of the discharge summary and hospital records, it does not appear that Dr. Harrison was unable to make some kind of contact with the tribunal which was at that point adjudging his fitness to hold a license to practice psychology in Maryland. He did not.

28. At the exceptions hearing, Mr. Thompson represented that Dr. Harrison did not even communicate to his admitting physician, Dr. Gee, his need to be present at Board hearings on May 1 and 2, 1990. Dr. Gee thus had no occasion to consider alternatives to immediate hospitalization and traction for the patient at the time.

29. At the exceptions hearing, the Board first decided to deny the Motion to Reopen. Then, it voted to accept the substance of the Proposed Decision with minor amendments, though it requested counsel to redraft a final decision with references to the record.

30. Either the day of or the day after the July 31 exceptions hearing, Respondent through counsel filed a Motion for

Ex Parte Injunction and Stay of Final Order of Board of Examiners in the Circuit Court for Howard County. As in the federal case, counsel requested and was given an expedited hearing. After the hearing on August 2, relief was denied because there was no final Board order but only a proposed decision by the ALJ, and judicial intervention was inappropriate under these circumstances.⁴

31. On Friday, September 7, the Board met and voted to accept this Final Order and the attached Memorandum Decision.

⁴ By agreement of both parties the pleadings and papers in this case were sealed. However, on August 6, 1990, the Baltimore Sun Company moved to intervene and for access to documents filed in the case. The Board through counsel agreed to much of the request for access. After argument on August 8, 1990, the Court, per Judge Kane, granted access to most of the court file.

IV. FINDINGS OF FACT

The matters set forth in the Procedural History are incorporated by reference as if set forth herein.

A. CASE A

The testimony of Mr. A under oath, exhibits introduced by the State, and expert testimony presented by the State produced the following information.

32. Mr. A was divorced from his wife, the mother of his daughter Child A, in July, 1983. In the divorce decree, the mother was given physical custody and he had frequent, almost daily visitations rights.

33. In July, 1985, his wife charged Mr. A with sexual molestation of Child A. By agreement of all parties, his visits became supervised and they set up a psychological evaluation for the family. Upon conclusion of that evaluation, Mr. A's visitations were increased and eventually the original visitation rights were to be restored. (Tr. 44-45).

34. On January 1, 1986, Child A came to visit her father at his home for the first time in six months after all of his supervised visits to her. This eight hour visit was supervised by A's mother, who is Child A's grandmother. (Tr. 45).

35. Thereafter, Child A's mother again alleged that the witness abused his daughter, and the parties went to court again on January 8th. Both a guardian ad litem and an attorney were appointed for the child. The whole family was evaluated

again in June, 1986, with the resulting recommendation that Child A visit with her father for a three week monitored vacation starting that month. (Tr. 46-47).

36. On June 26, 1986, a judge of the Probate and Family Court in Massachusetts issued an order permitting the three week vacation. The court also ordered that no one was to leave the Commonwealth with Child A. (State's Exh. 2).

37. According to Mr. A, the court also ordered that the child be delivered to her father at 8 a.m. the next morning. The child was not delivered at that time and could not be found. (Tr. 48-49).

38. Later on that same day, the court gave full custody to Mr. A. (State's Exh. 3) (Tr. 49).

39. The mother returned to the Commonwealth on March 31, 1987 without the child, refused to divulge the whereabouts of her daughter, was found in contempt and was incarcerated. (State's Exh. 5, 9 at page 10, and 13) (Tr. 51-54, 77-78).

40. In an affidavit filed by George Lordan, Jr., Esquire, who was appointed attorney for Child A by the Massachusetts Court, he denied ever being asked for or giving his permission for Dr. Harrison to meet, interview or evaluate the child; he also denied being asked for or giving consent for Dr. Harrison to discuss in public any interviews or evaluations of the child, or to allow any videotapes or photographs of her to be shown on the television program "A Current Affair" or in any

other form by any media organization. The child's father also denied being requested to or giving any such permission.

(State's Exh. 18-19) (Tr. 82).

41. On or about August 7, 1987, a Boston Globe report indicated that Child A had been evaluated by the Respondent while in hiding. The report was published following a news conference held by Dr. Harrison on the front steps of the Superior Court in Salem, Massachusetts. In the article, the Respondent admitted that he had examined Child A while she was still in hiding three weeks prior to his press conference. He did so at the request of the girl's mother, who did not have custody at the time. He did not request or obtain permission from Mr. A, nor is there any indication that he requested or obtained permission from the child's guardian ad litem or attorney. In the newspaper report, Dr. Harrison quoted part of the child's alleged examination by him. (State's Exh. 5).

42. On August 27, 1987, a videotape aired on the television program "A Current Affair" depicting Child A while being evaluated by Dr. Harrison, supposedly on July 2, 1987 (Tr. 55-56). In an affidavit to a Massachusetts Appeals Court, Dr. Harrison admitted to allowing Fox Broadcasting to use the videotape, albeit for only several seconds, in its television news report. (State's Exh. 7).

43. According to Mr. A, on August 28, 1987, Dr. Harrison released medical findings by an unnamed physician that

the child had severe vaginal and anal scarring. This statement, attributed to an unidentified nurse on the examining team, appeared in the August 28, 1990 Boston Globe. (State's Exh. 11) (Tr. 68, 72-73).

44. On September 18, 1987, a gag order was put on all parties in Case A to restrain them from public statements about the case. The order mentioned Dr. Harrison by name and made specific reference to tapes. The judge also ordered the production of tapes concerning the child's medical or psychological care and treatment in order to allow authorities to recover the child and for use in court proceedings. Dr. Harrison disobeyed the gag order. He never sent in his curriculum vitae or, more importantly, the videotape as the court had ordered. (State's Exh. 6 and 7) (Tr. 58).

45. Given the circumstances of his examination of the child, and his statement to the news media, Dr. Harrison must have understood that Mrs. A was not the custodial parent of Child A. (See Tr. 73-74).

46. T. Richard Saunders, Ph.D., was tendered by the prosecution and was accepted by the ALJ as an expert witness in clinical and forensic psychology on issues concerning the practice of psychology. He answered to a number of hypothetical questions, based on evidence in the record, as to the ethical and professional implications of Dr. Harrison's conduct in the matters alleged by the State. (Tr. 228).

47. Dr. Saunders is licensed to practice psychology in Maryland; is a diplomate of the American Board of Professional Psychology in the specialty of clinical psychology; maintains a general private practice in psychology; has held several consulting positions, including with the U.S. Department of Defense and with several general and psychiatric hospitals; was a consultant for a mental health team serving the District Court of Montgomery County in Maryland, in which capacity he performed assessments of each child's family in cases of alleged child sexual abuse; and has been a consultant for the Anne Arundel County Department of Social Services since approximately 1978, also in the area of assessments in cases of alleged physical or sexual abuse. For two years ending in 1989, Dr. Saunders was the Chair of a study committee of the Maryland Psychological Association that was devoted to child custody assessments; the goal of that committee was to provide information to psychologists about the appropriate means of conducting child custody studies. Dr. Saunders has authored or co-authored several articles in professional publications and has presented several more papers at conferences. Among these, one paper was entitled "Child Custody Assessments," and three paper presentations in the past five years have been in the area of child custody disputes and forensic aspects of child physical and sexual abuse. (State's Exh. 59) (Tr. 218-227).

48. In the expert opinion of Dr. Saunders, Dr. Harrison's action in Case A amounted to a violation of Principle 3c of the Ethical Principles of Psychologists (1981 Revision) (hereinafter "Ethical Principles"), which provides:

In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

Dr. Saunders testified that in a court setting, a psychologist must respect the prerogatives of the court in undertaking an examination. Where, as in Case A, the court sees fit to appoint a guardian and an attorney to represent the child, it is incumbent upon the psychologist to seek the permission of these representatives to conduct the examination. Dr. Harrison's actions prevented these officers of the court from doing their jobs and interfered in the legal exercise of the custodial parent's rights, thereby diminishing the legal and civil rights of the child/patient to be adequately represented by counsel. Even assuming that a psychologist is not sure who has custody and there is no evidence that this was such a case - he is under an obligation to take affirmative action to find out from whatever source is available. (Tr. 232-245).

49. Dr. Saunders also testified that Dr. Harrison's appearance on the program "A Current Affair" along with the showing of a silent excerpt from a videotaped interview of Child A violated Principle 5, entitled "Confidentiality," of the

Ethical Principles of Psychologists. In particular, Principles 5a and 5b provide as follows:

a. Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others, are discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation and every effort is made to avoid undue invasion of privacy.

b. Psychologists who present personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

In the absence of any permission from an authorized representative of the child to go on television with the child's picture, Dr. Saunders regarded Respondent's conduct as "a flagrant invasion of her privacy." Furthermore, in Dr. Saunders' opinion, it makes no difference that Case A had received a great deal of publicity in the media prior to the time the tape was shown. Television viewers and reporters are not "persons clearly concerned with the case" under the meaning of Principle 5a. (Tr. 237-240).

50. In response to the question on a slightly different ground for charging Dr. Harrison, Dr. Saunders testified that his conduct had been "unprofessional."⁵ The basis

⁵ Unprofessional conduct is behavior which through professional experience has been established by a consensus of expert opinion of the members of the profession as antithetical to the public interest.

for this conclusion was Dr. Harrison's failure to respect the privacy of the people with whom he came into professional contact. Dr. Saunders testified: "They may be notorious people....but that does not matter in terms of your professional relationship."

B. CASE B

51. On July 14, 1986, Mr. B was placed on probation for a period of five years for child pornography by the Circuit Court for Baltimore County. (Criminal Case Number 86-CR-2164.) In addition to all of the standard terms, the Order of Probation placed the following "special condition" on Mr. B's probation: "To continue with treatment by Dr. Dennis M. Harrison until discharged." (State's Exh. 28)(Tr. 119).

52. Dr. Harrison first began seeing Mr. B in March of 1986. Appointments were monthly for about 15 to 30 minutes. After a time, as Dr. Harrison's travel schedule increased, the Respondent began to cancel his appointments. This became a problem as counseling was a condition of probation and the patient was beginning to get in trouble with his probation officer. (Tr. 94).

53. Although Dr. Harrison was aware of the conditions of probation (i.e. that the patient continue to receive treatment by him) (Tr. 127), the Respondent's approach to the missed appointments was to develop a list of questions for his assistant, Michael Gatty, to ask Mr. B at his scheduled

interviews. These questions, with very few changes, were asked at each session. This procedure was in place from approximately April or June through December of 1988 (Tr. 96). During that time, Mr. Gatty was completing his last semester of high school and starting his first semester of college. Mr. Gatty did not counsel Mr. B nor was he trained to do so; Dr. Harrison was not meeting with Mr. B; and Dr. Harrison was not giving Mr. Gatty any feedback on Case B. Thus, Mr. B was not receiving the treatment that the court required. (Tr. 95-99).

54. During all relevant times, Mr. B's probation officer, John Dunnigan, was under the impression that this parolee was being seen by Dr. Harrison. (Tr. 123).

55. Dr. Saunders testified that Dr. Harrison's behavior in this case was unethical and unprofessional. Principle 6b of the Ethical Principles of Psychologists provides:

When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationship to all parties concerned.

Dr. Harrison obscured rather than clarified the nature of his relationship to this patient by failing to notify the court that he was delegating the treatment of Mr. B to a third person. (Tr. 248).

56. Dr. Harrison was also unprofessional in handling Case B. While it is professionally permissible for a psychologist to allow unlicensed and untrained persons such as

Mr. Gatty to perform some specific function, it is unprofessional to conduct the entire treatment of a patient through untrained personnel. (Tr. 249-250).

C. CASE C

57. In the wake of an allegation of sexual abuse of his children, Mr. C first saw Dr. Harrison on September 28, 1988. Dr. Harrison was, at that time, in the process of evaluating the children of Mr. C and his former wife, Mrs. C. (Tr. 139-140).

58. The business arrangement between the Respondent and Mr. C was that for \$500, paid by check, he was to receive an MMPI, a standard personality test, as well as an evaluation and report to the court. (State's Exh. 33). It appears from the record that the evaluation was conducted, but no written report was ever forwarded to Mr. C, his counsel, the Chesapeake Institute when it later became involved, or the court. Despite numerous attempts by several parties, as described below, all that Dr. Harrison has turned over to date has been a partial videotape, a partial report on the C children and some scant, apparently incomplete notes of patient interviews. He has not turned over any other information, including any report on Mr. C. The consequences have been additional expense to Mr. C, delay of the evaluation and concomitant court proceedings, and denial of visitation to Mr. C during the present interim before the custody hearing now rescheduled to October of 1990. (See, Tr.

145, 166).

59. Mr. C's attorney Ronald Naditch, Esquire was diligent in contacting the Respondent and requesting his cooperation in simply forwarding the results of his tests on Mr. C and his children to him as attorney. The record in this case contains nine letters dating from October 12, 1988 through March 13, 1989 requesting Dr. Harrison to turn over these materials. (State's Exh. 35-38 and 40-44).

60. On December 19, 1988, the Circuit Court for Queen Anne's County issued an order that on or before January 16, 1989, all reports, records, recordings videotapes and other papers regarding that case were to be filed with the court. (State's Exh. 39). This Court Order was attached to two of Mr. Naditch's letters (State's Exh. 38 and 40) and was referenced in succeeding letters, yet the Respondent failed to comply. Mr. Naditch made numerous attempts to take Dr. Harrison's deposition, without success. Three Notices of Deposition and Subpoenas Duces Tecum, dating from November 8, 1988 through July 25, 1989, were admitted into evidence on the record. (State's Exh. 47-49) (Tr. 163-165).

61. In part because of Respondent's lack of cooperation with the court and counsel, a Pretrial Order dated February 24, 1989 ordered the reevaluation of Mr. and Mrs. C and the minor children by a competent independent psychiatrist or psychologist designated by the Court. (State's Exh. 45). That same Pretrial Order denied Mr. C his rights of visitation with his minor children. (State's Exh. 45).

62. By a Memorandum dated March 21, 1989, based upon the recommendations of counsel, the Court designated the Chesapeake Institute, Inc. to provide a comprehensive evaluation, analysis and report to the parties and Court. (State's Exh. 46).

63. The agreed-upon evaluation by the Chesapeake Institute was further hampered by Respondent's noncooperation. Cathleen A. Glass, the intake supervisor at Chesapeake, testified as to the vital importance of obtaining reports prepared by other persons before Chesapeake begins its own evaluation of an adult who is alleged to have had sexual contact with a child, or for the evaluation of the children (Tr. 170-171), but Dr. Harrison's conduct continued to confound the court-appointed evaluation of the C family.

64. On April 28, 1989, Ms. Glass sent a letter with a release to the Respondent requesting his records on the C children's mother and the children. (State's Exh. 50). The Respondent replied on May 9, 1989 setting forth the information he believed necessary to support the request for release.

(State's Exh. 51). On May 31, Chesapeake replied attaching releases from both parents, and on behalf of both minor children, as well as the Memorandum from the Court ordering the evaluation. (State's Exh. 52). This letter and its attachments were again copied and re-sent to Respondent on July 31, 1989. (State's Exh. 53) (Tr. 174).

65. In response to the Court's concerns, the Chesapeake Institute wrote a three page letter to the Court on July 6, 1989 reporting on the progress of the evaluation to that point. The letter is worth quoting at some length.

We strongly sympathize with all of the parties involved in this case and recognize the ongoing distress and trauma of having such a situation continue to be unresolved.

We continue, however, to feel strongly that the evaluation reports done by Dr. Dennis Harrison are of paramount importance to our being able to appropriately and helpfully complete the kind of extensive evaluation being sought in this case. We currently have videotaped copies of Dr. Harrison interviewing [Mr. C and the two children] (although the quality of these tapes is not always clear). It is our understanding that his evaluations were more extensive than these taped interviews, perhaps including psychological testing measures and culminating in formal evaluation reports....

In response to the request that we directly evaluate both [children], we have responded to all the attorneys involved that we would decline to interview these children. Repeated interviewing of children by a variety of professionals in such cases often becomes more harmful than helpful to the children....

It is our belief that repeating any

psychological testing procedures that have already been done would not be particularly helpful to the Cs or to the Court.

(State's Exh. 54). The letter includes a listing of reports and evaluative material requested from various sources, including Dr. Harrison, which was noted as "Not Completed." This letter amply demonstrates the harm done by Dr. Harrison's disregard of his duty to forward the materials requested. (State's Exh. 54) (Tr. 174-175).

66. On August 2, 1989, Chesapeake again wrote to Dr. Harrison requesting the evaluative materials. The letter references a telephone conversation of July 26, in which Dr. Harrison apparently complained that he needed a release, although one had already been sent to him. The letter encloses an additional release of information signed by Mr. C. (State's Exh. 55).

67. Ms. Glass testified that Chesapeake received only two videotapes, and these were received not from Dr. Harrison directly but via Mr. C. They also received a letter from Mr. C's sister attaching a questionnaire completed by Mrs. C for Dr. Harrison, without verifying material. (Tr. 176). Aside from the May 9, 1989 letter and a July 26, 1989 telephone call, Dr. Harrison has never explained to Chesapeake Institute why he has not furnished the required reports. (Tr. 178).

68. In approximately the middle of November, 1989, Chesapeake decided to proceed with the evaluations without the benefit of Dr. Harrison's reports or evaluations. Ms. Glass

believes the evaluation was completed in the winter of 1989/90.
(Tr. 179).

69. In summary, despite repeated requests by the attorney for Mr. C, the Circuit Court for Queen Anne's County and the Chesapeake Institute for evaluative materials from Dr. Harrison as to Mr. C, his ex-wife and his two children, and despite the repeated provision of the necessary releases signed by those involved, the complete materials requested were never provided by Dr. Harrison, with the exception of two videotapes and a questionnaire, none of which were forwarded by Dr. Harrison himself.

70. Dr. Saunders testified that Dr. Harrison's conduct in the C matter violated Principle 3c, Principle 8 (Preamble) and Principle 8a of the Ethical Principles. (Tr. 253).

71. Dr. Saunders expounded on the violation of Principle 3c, quoted above, which commands psychologists not to diminish the legal and civil rights of their clients.

It is essential for the psychologist who has told the client that they will provide professional services to provide those in an appropriate and timely manner. In this [matter], in my opinion, Dr. Harrison has delayed and prevented Mr. C from being able to consult with his own legal counsel in the case, to present any information about himself.

* * *

I think that's going to potentially diminish the legal and civil rights of Mr. C and may impair Mr. C's relationship with his children thus also potentially damaging

them. I think those matters constitute among other things a violation of Principle 3c.

(Tr. 254-255).

The preamble to Principle 8 and Principle 8a of the Ethical Principles provide in pertinent part:

In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interest of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretation made and the bases for their conclusions and recommendations....

a. In using assessment techniques, psychologists respect the right of clients to have a full explanation of the nature and purpose of the techniques in language that the client can understand, unless an explicit exception to this right has been agreed upon in advance. When the explanations are to be provided by others, the psychologist establishes procedures for ensuring the adequacy of these explanations.

Dr. Saunders interpreted this wording to mean "that the psychologist...has an affirmative obligation to communicate with the client about assessments that are conducted...so that the basis of any interpretations or whatever will be known to the client." In his opinion, Dr. Harrison failed to do so in this case, in violation of Principle 8a.

Dr. Saunders also testified that Dr. Harrison's conduct in this matter was unprofessional. In child abuse cases, he said that "what the court needs from the professionals who are involved...is timely and appropriate relating of information."

His conduct was harmful to the subsequent evaluating psychologists and other health professionals at the Chesapeake Institute and the parents and children as well as the Court "because they are deprived of their opportunity to know what the findings were, to use those findings in treatment that may have been indicated or that was ordered by the Court." (Tr. 257-258).

71.5 The Board agrees with Dr. Saunders that the furnishing of videotape interviews is not an adequate substitute for the requested reports. Although a valuable resource, the videotape in itself is only a tool in the psychologist's job to assemble a complete report to be furnished to the right source. In short, the Court was deprived of the information it needed to review and decide the case, and Mr. C was denied visitation as a direct result. (Tr. 258-260).

D. CASE D

72. Mr. D was involved in a divorce proceeding with his wife at the time. She had left the jurisdiction with the children for two years, during which time she had no contact whatsoever with Mr. D. After two state proceedings and one federal proceeding, the children were returned to him in October of 1984. (Tr. 182).

73. After his daughter's return, Mr. D noticed some peculiarities in her behavior, including indications of possible sexual abuse. He contacted Dr. Harrison for help. It became evident that Mr. D himself would also be a suspect in sexual

abuse of his daughter.

74. On May 5, 1987, Mr. D's mother wrote a check to Dr. Harrison for \$1,000. (State's Exh. 56). The money was to cover evaluation of the children, counseling with Mr. D, copies of records and videotapes (in case follow-up therapy was necessary) and court appearances in Maryland (but not out-of-state). (Tr. 183).

75. A custody hearing was set for June 22, 1987 in the Circuit Court for Cecil County. As the hearing date approached, Mr. D became concerned that Dr. Harrison was not seeing the children frequently enough to conclude his evaluation prior to the hearing. He sent a letter dated June 7 noting that only two office visits had taken place and urging Respondent to move forward quickly. The letter was sent by certified mail, return receipt requested, but the letter was never opened and was returned. (State's Exh. 57) (Tr. 186).

76. Dr. Harrison did not appear at the hearing, but the hearing was held and the D children were placed in foster care for 30 days. (Tr. 194). He has never supplied any explanation as to why he failed to appear at the hearing. (Tr. 186-189).

77. By a letter dated January 12, 1988, Mr. D advised Dr. Harrison that due to his neglect to forward copies of his childrens' records, he was unable to get any therapist to conduct therapy. The letter reminded Dr. Harrison that it was his

recommendation that the children receive therapy and that he had agreed to supply the necessary records for follow-up. The letter was returned unopened by the Respondent. (State's Exh. 58) (Tr. 189-191).

78. Dr. Harrison never sent Mr. D's report, a videotape or any records; he did, however, send a bill for monies supposedly owed in addition to the original \$1,000 retainer. (Tr. 191-192).

79. In sum, Dr. Harrison accepted a \$1,000 retainer to conduct an evaluation of Mr. D's children, to counsel Mr. D, to forward copies of records to other health professionals and to appear in court. Except for meeting with the children three or four times, Dr. Harrison utterly failed to fulfill his obligations.

80. Dr. Saunders testified that Dr. Harrison's conduct in the D Case violated Principle 3c, having to do with violation of the legal and civil rights of parties who are evaluated in a case, and Principle 8 (preamble) and 8a, pertaining to the conduct of a psychological assessment and how one ethically handles the results of an examination. (These Principles are quoted and discussed above in connection with Case C.) In addition, Dr. Saunders found a violation of Principle 6 (preamble), which provides in part: "Psychologists respect the integrity and protect the welfare of the people and groups with whom they work." By concluding some of the examination and then

simply becoming unavailable, Dr. Harrison violated this Principle. Again, harm was done in that counsel was unable to present an adequate defense in the case, and Mr. D's children were placed in foster care. (Tr. 262-263).

81. Dr. Saunders further testified that Dr. Harrison's behavior was unprofessional in that he failed to fulfill his affirmative obligation to perform the examination and report the results to the respective parties in a manner that they can comprehend and utilize. (Tr. 264).

E. CASE E

82. Ms. E first saw Dr. Harrison in approximately April of 1986. The reason for the initial visit was that her disability insurance company required a psychological examination to determine whether she was actually disabled due to back problems following a car accident. His conclusion was that the injury was in fact a physical problem. (Tr. 196-198).

83. Ms. E underwent additional therapy with Dr. Harrison to help her to deal with the emotional issues that arise from being a young adult who is unable to work or even to live comfortably. (Tr. 198).

84. Although for the first few months Respondent did meet with Ms. E approximately every two weeks, within four or five months he began to cancel appointments and reschedule them so that she would see him only once every four or five weeks. The irregularity of these meetings itself became a subject of

therapy. (Tr. 199-200).

85. As therapy progressed, Dr. Harrison began to direct the topic of the sessions more and more toward his work with sexually abused children, noting that his absence was explained by his unique expertise and involvement in those cases around the country. Ms. E testified that Dr. Harrison mentioned specific cases, i.e., Case A in Boston and another case. The witness provided a vivid example from the latter case in which Dr. Harrison relayed in great detail the sexual behavior of a family in which the father of a young girl had a sexual relationship with his father, in which the girl's grandmother was involved, in front of the young child. (Tr. 200-202).

86. They also discussed another case during a therapy session involving an unnamed eight-year-old child who was being hidden in Seattle, Washington from her father. The child was staying with a woman and two children, and the family needed an extra person to stay with the child during the day. Dr. Harrison asked Ms. E if she could go to Seattle to take care of the child. He theorized that as she did not work and lived at home with her parents, nobody would have to know that she was gone, and secrecy could be ensured. (Tr. 202, 204).

87. Ms. E also testified that Dr. Harrison asked her to run a program for him that involved supervising visits to children by noncustodial parents. (Tr. 203).

88. While she admits to encouraging some diversions into these topic areas at first because she was interested in the subject and cared about children, Ms. E grew to resent this becoming the major topic of their sessions. "I would be lucky if I could sort of sneak something in that I was concerned about, you know." (Tr. 202-203). Moreover, the entire reason that she was in therapy was because she could not work: "The point was that if I could have been working, I would have been working." (Tr. 203). Therefore, the requests by Dr. Harrison for her to work in various capacities were particularly inappropriate.

88. Dr. Harrison also asked the patient if her parents, in whose house she lived, would agree to hide a child. He did not pursue this matter, however. (Tr. 205).

89. Even outside of their therapeutic relationship, Dr. Harrison telephoned Ms. E a number of times to essentially put her "on hold" to take care of the child in Seattle. (Tr. 204-205).

90. Ms. E terminated therapy with Dr. Harrison in early 1988. (Tr. 208).

91. According to the testimony of Dr. Saunders, Dr. Harrison's behavior in the E matter violated Principle 5a of the Ethical Principles, pertaining to confidentiality, and Principle

6a which appears under the heading of "Welfare of the Consumer." Principle 6a provides in pertinent part:

[Psychologists] avoid exploiting the trust and the dependency of [patients]. Psychologists make every effort to avoid dual relationships which could impair their professional judgment or increase the risk of exploitation.

According to Dr. Saunders, the disclosure of confidential information in another case - not to mention highly explicit sexual information - had no place in the therapeutic relationship between Dr. Harrison and Ms. E. As for asking a patient to go to Seattle to assist the hiding of a child, or urging her to ask her parents to hide a child at their home, Dr. Saunders remarked: "That is not appropriate behavior for a psychologist. You do not have a business relationship with a person and also a professional relationship with a person." This is the essence of the prohibition of psychologists from "dual relationships." If Respondent wanted this patient to get a job, he should have made a referral rather than recruiting her. (Tr. 241-245).

92. Even if Ms. E had indicated a desire to help, such an offer should not have enticed a psychologist to create a dual relationship. According to Dr. Saunders, "the professional obligation is to the professional person, not to the patient. So the fact that she expressed sympathy has no bearing as far as I could tell." (Tr. 245-246).

93. Dr. Saunders also opined that Dr. Harrison's behavior in Case E case was "unprofessional conduct." (Tr. 246-247).

F. DOCUMENTARY EVIDENCE

94. The Findings of Fact in this section relate to matters on which no live testimony was heard, but documentary evidence was introduced on the record at the hearing.

95. In the case of Barkanic v. Montgomery General Hospital, Dr. Harrison agreed to questioning by counsel as follows:

Q: Doctor, I notice from a review of your CV that you graduated from the University of Maryland with a Ph.D. in psychology in 1973?

A.: Right.

(State's Exh. 18) (Tr. 101).

96. According to a transcript of proceedings in the case of State of Maryland v. Ralph Paul Ash, Dr. Harrison testified that he got his "Ph.D. doctoral degree in psychology from the University of Maryland at College Park." (State's Exh. 19) (Tr. 105).

97. In the matter of Elizabeth Morgan v. Eric Foretich, Dr. Harrison testified:

In 1973, I received a Ph.D. in psychology from the University of Maryland. That was an integrated major, namely developmental psychology, clinical and also some special education.

(State's Exh. 20) (Tr. 107).

98. A CV of Dr. Harrison, attached to his deposition in the case of Kendra Smith and Charles Smith v. The Howard Johnson Company, in the Circuit Court for Baltimore County in 1982, represents under "Education" that the Respondent graduated from Loyola College in Baltimore in 1970 with a MA in psychology and graduated from the University of Maryland, College Park in 1973 with a Ph.D. in psychology. (State's Exh. 21) (Tr. 108-109). A similar CV was attached to a letter sent to a DHMH investigator assigned to this case. (State's Exh. 22) (Tr. 109-110). A similar CV was used in another case (State's Exh. 23). It appears to the Board this was the Respondent's generally circulated curriculum vitae.

99. A true copy of Dr. Harrison's transcript from the University of Maryland at College Park shows the following notation for the degree received: "Doctor of Philosophy degree awarded 5-19-73. Curriculum: Human Development." (State's Exh. 24). The transcript reveals that all the courses taken were in the Education Department rather than the Psychology Department, as his testimony suggested. His Application for Certification by the Board in 1973 notes his major as "Human Development (Integrated Major)." (State's Exh. 25). Plainly, the Respondent did not receive a Ph.D. in Psychology from the University of Maryland or any other institution. His misrepresentations under oath are significant in the profession of psychology.

100. At a deposition in the Barkanic case noted above, as part of the voir dire exploring his qualifications to testify as an expert witness, Dr. Harrison described the examination which it was necessary to pass for certification (now licensure) in Maryland. The following exchange occurred:

Q: Did you take these examinations which you articulated?

A: Yes.

Q: When did you take them?

A: In 1973, I believe.

Q: And did you pass them on the first attempt?

A: Yes.

(State's Exh. 18 at p.17) (Tr. 101-102).

101. Dr. Harrison did not pass the written examination on May 10, 1974. He failed the first time he took it, according to a letter dated June 13, 1975 from the Board to Respondent. He was therefore denied certification as a psychologist. (State's Exh. 27) (Tr. 115). He did pass the exam later.

Dr. Saunders testified that these statements by the Respondent under oath constituted violations of Principle 2a of the Ethical Principles.⁶ Principle 2a states:

⁶ Dr. Saunders also found Respondent's misrepresentations to be violative of Principle 4b, but the Board finds no such violation because that standard focuses on advertising and similar public statements.

Psychologists accurately represent their competence, education, training and experience. They claim as evidence of educational qualifications only those degrees obtained from institutions acceptable under the bylaws and rules of Council of the American Psychological Association.

Dr. Saunders testified that Dr. Harrison's representation that he received a Ph.D. in psychology, and his further representation that he passed his licensure examination on the first attempt, violated this standard. (Tr. 269-271).

102. The State also suggested through argument and evidence that Dr. Harrison misrepresented his credentials in two other respects, which the Board does not find constitute violations. First, the Board is satisfied that Respondent's Masters Degree from Loyola College, while technically in "guidance and counseling," was a part of an integrated major and was in the Psychology Department at Loyola. Second, it is suggested that Dr. Harrison misrepresented himself as a "forensic psychologist" and a "clinical psychologist" whereas his educational and training credentials do not substantiate these claims. The Board is satisfied that, in view of Dr. Harrison's membership in Division 12, Clinical Psychology of the American Psychological Association, there is some basis for him to represent himself as a "clinical psychologist," although Division membership in itself does not connote competence in a specialty area. See, Principle 4b of the Ethical Principles. Moreover, while there was not until very recently any specialty

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certification for "forensic psychologists," the Board would afford Dr. Harrison the benefit of the doubt as to his use of that title during the period in question. On these two points, the Board does not accept the substantive findings of fact by the ALJ.

V. CONCLUSIONS OF LAW

The Maryland Psychologists Act, codified at Md. Health Occupations Code Ann. ("H.O.") §16-301 et seq., provides that subject to the hearing provisions of H.O. §16-313 of the Act, the Board of Examiners of Psychologists may impose certain disciplinary sanctions including reprimand, probation, suspension or revocation of a license, if a licensee:

(7) Violates the code of ethics adopted by the Board under §16-311 of this subtitle;

* * *

(17) Commits an act of unprofessional conduct in the practice of Psychology.

Section 16-311 of the Act provides in pertinent part:

a. The Board shall adopt a code of ethics for psychologists in this State. The code of ethics shall be designed to protect the public interest.

b. In adopting the code of ethics, the Board shall consider:

(1) The ethical standards of psychologists published by the American Psychological Association; and

(2) The professional character of psychological services.

Pursuant to H.O. §16-311, the Board adopted as a regulation COMAR 10.36.01.09(a), which states in pertinent part:

A. All person who represent themselves to be psychologists in the State shall adhere strictly to the Ethical Standards of Psychologists adopted and published by the American Psychological Association and to any subsequent revisions and additions.

Pertinent Principles of the Ethical Principles of Psychologists have been cited and quoted in the Findings of Fact, as they correspond to applicable cases.

A. The Respondent's evaluation of Child A, without prior consent from any person legally entitled to give such consent to examination and evaluation, violated Principle 3c of the Ethical Principles, prohibiting a psychologist from actions which violate or diminish the legal and civil rights of patients or others who may be affected by their actions.

B. Dr. Harrison's appearance on the television program "A Current Affair" along with the showing of a silent excerpt from a videotaped interview of Child A violated Principle 5, entitled "Confidentiality," of the Ethical Principles. In particular, this conduct violated Principles 5a and 5b, which require that clinical and evaluative data concerning patients be discussed only for professional purposes and only with persons clearly concerned with the case, and that any personal information presented in a public forum either be disguised to conceal all identifying information or, if it is not, be divulged only with the prior consent of the patient.

C. Respondent's handling of Case A constitutes unprofessional conduct based on his failure to respect the privacy of the people with whom he came into professional contact. Even if the persons or matter are notorious, the professional relationship must remain confidential.

D. In the case of Mr. B, a convicted child pornographer referred for treatment as a condition of probation, the Respondent's failure to notify the court or the probation officer that he was delegating the treatment sessions for this patient to a third person who had only a high school education violated Principle 6b of the Ethical Principles, which requires that a psychologist who agrees to provide services to a person at the request of a third party must clarify the nature of the relationship to all parties concerned. In this case, Dr. Harrison failed to notify the court and the probation officer of material changes in the therapeutic relationship.

E. Dr. Harrison was unprofessional in eventually conducting the entire treatment of Mr. B through untrained personnel.

F. In Case C, Respondent violated Principle 3c, Principle 8 (preamble) and Principle 8a of the Ethical Principles in failing to provide the complete evaluative materials generated in his examination of Mr. C, his ex-wife and his two children, despite the repeated requests in writing by the attorney for Mr. C, the request of the Circuit Court for Queen Anne's County and

the Chesapeake Institute, and despite the repeated provision of the necessary releases signed by persons involved or authorized to consent to release the information. This conduct potentially diminished the legal and civil rights of Mr. C, who was unable to usefully consult with his legal counsel in preparation of his case. Also, Respondent diminished the legal and civil rights of Mr. C's relationship with his children and may have damaged that relationship by leaving the court little choice but to deny visitation rights pending the results of an evaluation made necessary by Respondent's failure to complete and forward records of his prior evaluation.

G. With respect to Principle 8 and 8a, placing an affirmative obligation on psychologists to communicate the results of assessments and interpretations in language understandable to the patient, Dr. Harrison failed to do so in this case.

H. Dr. Harrison was unprofessional in Case C in failing to forward timely and appropriate evaluative information in a child abuse case, which was needed by other psychologists at the Chesapeake Institute, by counsel, by the parents and by the Court.

I. In Case D, Dr. Harrison's conduct violated Principle 3c, pertaining to the violation of legal and civil rights of parties evaluated in a case, and Principle 8 (preamble) and 8a, pertaining to the conduct of a psychological assessment

and the handling of results of an examination, in that Dr. Harrison concluded some of the examinations which he agreed to do, and for which he received payment, and then simply became unavailable. This deprived counsel of the ability to prepare an adequate defense in the case and even resulted in Mr. D's children being placed in foster care.

J. Dr. Harrison's behavior in the D case was unprofessional in that, having received his agreed \$1,000 retainer, he failed to fulfill his affirmative obligation to perform the examination contracted for and to report the results to the parties involved in a manner that they could comprehend and utilize.

K. In his handling of Case E, Respondent violated Principle 5a, pertaining to confidentiality, and Principle 6a, pertaining to the welfare of the consumer and prohibiting dual relationships. The disclosure of confidential information, including highly unusual sexual practices, in another case has no place in the therapeutic relationship and violates time-honored principles of confidentiality in the profession of psychology. Respondent's request that Ms. E go to Seattle to assist in the hiding of a child, and his request that the patient ask her parents if they could hide a child in their home, was inappropriate behavior for a psychologist in that it created a dual relationship: i.e., both a professional and business relationship, between the psychologist and his patient.

L. Respondent's handling of Ms. E's therapy by engaging in a pattern of cancelled appointments, breaches of confidentiality and a dual relationship constituted unprofessional conduct.

M. Based on documentary evidence on the record in this case, Dr. Harrison's representations, in a number of depositions and other testimony under oath and in several curriculum vitae furnished in connection with testimony, that he had obtained a Ph.D. in Psychology from the University of Maryland, which he sometimes described as an "integrated degree," violated Ethical Principles 2a and 4b, requiring that psychologists accurately represent their competence, education, training and experience in their statements to others. As the Respondent did not receive a Ph.D. in Psychology but in Human Development, in which virtually all of his courses were offered in the Education Department, rather than the Psychology Department, his representations otherwise were an explicit violation of these Principles.

N. Respondent's representation at a deposition in the Barkanic case to the effect that he passed his Maryland licensure examination on the first attempt violated Principle 2a of the Ethical Principles.

O. In misrepresenting his academic credentials and licensing examination performance in his CV and under oath, Respondent engaged in unprofessional conduct.

P. Dr. Harrison's representation that he had earned a master's degree from Loyola College in psychology does not violate the Ethical Principles and is not a basis for Board discipline.

Q. Dr. Harrison's representation that he is a "clinical psychologist" or a "forensic psychologist" is not a basis for formal Board discipline.

R. By violating the several provisions of the Ethical Principles of Psychologists in the several cases as described above, the Respondent is subject to disciplinary action by the Board under H.O. §16-312(7).

S. By his several acts of unprofessional conduct in the practice of psychology as described above, the Respondent is subject to disciplinary action by the Board under H.O. §16-312(17).

V. ORDER

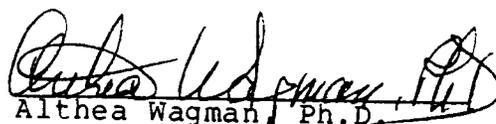
Based on the foregoing Findings of Fact and Conclusions of Law, pursuant to Md. Health Occupations Code Ann. §16-312, it is this day hereby:

ORDERED that the Respondent's license to practice psychology in the State of Maryland is **REVOKED**; and it is further:

ORDERED that this document shall become a Final Order and as such is a public document pursuant to Md. State Gov't Code Ann. §10-611 et seq.; and it is further

ORDERED that the Respondent is not permitted to use the titles "psychology," "psychologist" or "psychological" in describing his qualifications, his services or himself. He will not offer to the public any services such as assessment, evaluation, or counseling that are included in the scope of practice of psychology as set forth in Md. Health Occupations Code Ann. §16-101, unless his conduct falls within a statutory exception.

September 10, 1990
Date


Althea Wagman, Ph.D.
Vice Chair